

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO.: 1431

AN ORDINANCE AMENDING TOWN ORDINANCE NO. 709 PERTAINING TO FIRE PREVENTION REGULATIONS IN THE TOWN OF ST. JOHN, AND REPEALING ALL TOWN CODE SECTIONS AND ORDINANCE, OR PARTS THEREOF, IN CONFLICT HEREWITH.

**WHEREAS**, the Town Council of the Town of St. John, Lake County, Indiana, has been advised by the Chief of the Town Volunteer Fire Department and Town Manager that amendments are recommended to the Town Code pertaining to fire prevention regulations in the Town; and

**WHEREAS**, the Town Council of the Town of St. John, Lake County, Indiana, has reviewed applicable provisions of the Town Code together with the recommendations of the Chief of the Town Volunteer Fire Department and Town Manager and the applicable provisions of the 326 I.A.C. 4-1, *et seq.*, as amended from time to time, concerning revisions to the same; and

**WHEREAS**, the Town Council of the Town of St. John, Lake County, Indiana, having reviewed the recommendation of the Chief of the Town Volunteer Fire Department and Town Manager, the applicable Town Ordinance pertaining to fire prevention regulations, and all other applicable law, now concur that it is advisable, necessary and in the best interest of the residents of the Town of St. John that amendments be made to the Town Code pertaining to the fire prevention regulations.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA:**

**SECTION ONE:** That Town Ordinance No. 709 is hereby amended to read and provide as follows, namely:

“(a) Definitions. For the purposes of the subchapter the following words and phrases shall have the following meanings ascribed to them respectively.

(1) “FIRE” or “FIRES”- the words shall be interchangeable, and shall mean and refer to the visible, active phases of the chemical reaction constituting the combustion of material, manifested in light and heat.

(2) “MATERIAL” or “MATERIALS”- the words shall be interchangeable, and shall mean and refer to any kind of biodegradable and non-biodegradable substances, including, garbage, rubbish, ashes, commercial, industrial, and institutional waste, wood, and wood products.

(3) "OPEN BURNING" or "OPEN BURN"- the terms shall be interchangeable, and shall mean and refer to the out door combustion of material.

(4) "PERSON" or "PERSONS"- the words shall be interchangeable, and shall mean refer to any natural person, corporation, association, trust, venture, partnership, or other entity.

(5) "WOOD PRODUCTS"- material derived or consisting of paper, cardboard, rags, boards, branches, brush, grass, and leaves. No processed, painted, or treated wood material.

(b) Open burning prohibited, nuisance.

(1) No person or persons shall open burn any material except as provided at 326 Indiana Administrative Code § 4-1-3 or 326 Indiana Administrative Code § 4-1-4.

(2) Any person who shall violate any provision of this section shall be deemed a person maintaining a public nuisance.

(3) The Metropolitan Police Department shall and is hereby empowered to enforce the provisions of this section, as amended from time to time.

(c) Exemptions.

(a) The following instances of open burnings shall be exempt from restriction under this subchapter:

(1) Fires celebrating school pep rallies;

(2) Fires celebrating scouting activities;

(3) Fires used for recreational and cooking purposes, such as camp fires;

(4) Fires at residences of four or fewer units, where fires are contained in a noncombustible container sufficiently vented to induce adequate primary combustion air, with enclosed sides, a bottom, and a mesh covering with openings no larger than one-fourth square inch, provided, however, that this exemption shall not include such fires at apartment complexes and mobile home parks, which fires are prohibited;

(5) Fires of wood products associated with nursery and farming maintenance operations, including:

(A) The burning of fence rows and fields, or materials derived therefrom,

(B) The burning of natural growth derived from clearing a drainage ditch, and

(C) The burning of limbs and prunings, but only if so diseased or infected as to present a contamination problem;

(6) Waste oil burning, where the waste oil has been collected in a properly constructed and located pit as prescribed in 310 Indiana Administrative Code § 7-1-37(A), as amended from time to time, being a rule of Division of Oil and Gas, Indiana Department of Natural Resources. Each oil pit may be burned once every two months and all oil must be completely burned within 30 minutes after ignition; and

(7) Burning done pursuant to variance granted by the Indiana Air Pollution Control Board pursuant to 326 Indiana Administrative Code § 4-1-4, as amended from time to time.

(b) All exemptions shall be subject to the following:

(1) Only wood products shall be burned unless otherwise stated above.

(2) Fires shall be attended at all times until completely extinguished.

(3) If fires create an air pollution problem, a nuisance, or a fire hazard, they shall be extinguished. The person responsible shall also be subject to penalties per this chapter.

(4) All residential, farm, and waste oil burning shall occur during daylight hours during which the fires may be replenished, but only in such a manner that nearly all of the burning material is consumed by sunset.

(5) No burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds, or air stagnation.”

(d) Penalty. Any person who violates the provisions of Subsection (a), as amended from time to time, shall be liable for a fine of no less than fifty dollars (\$50.00) and no more and Two Thousand Five Hundred Dollars (\$2500.00). Each day or part of day of such violation exist shall constitute a separate and to seek violation."

**SECTION TWO:** That the Town Ordinance No. 709 is hereby repealed, and that all other existing Ordinances, or parts thereof, in conflict with the provisions of this Ordinance are hereby deemed null, void, and of no legal effect, and are specifically repealed.

**SECTION THREE:** If any Section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

**SECTION FOUR:** That this Ordinance shall take effect, and be in full force, and affect, from and after its passes by the Town Council of the Town of St. John, Lake County, Indiana, in publication and conformance with applicable law.

*Remembered*  
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ALL OF WHICH IS PASSED AND ADOPTED THIS 16<sup>th</sup> DAY OF ~~OCTOBER~~, 2006, BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA.

TOWN OF ST. JOHN, LAKE COUNTY,  
INDIANA, TOWN COUNCIL

*Michael S. Fryzel*  
Michael S. Fryzel, President

*Jeri A. Teibel*  
Jeri A. Teibel, Vice-President

*1/5/ Charles Pearson*, Member

*Mark Barenie*  
Mark Barenie, Member

*1/5/ Gregory J. Volk*, Member

ATTEST:

*Sherry V. Sury*  
Sherry V. Sury, Clerk-Treasurer